

04/13/2021

U.S. DISTRICT
COURT
EASTERN
DISTRICT OF
NEW YORK
BROOKLYN
OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

18 CR 393 (SJ) (RML)

-against-

ORDER ADOPTING
REPORT AND
RECOMMENDATION

BERNARD RAYMOND AUGUSTINE,

Defendant.

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JOHNSON, Senior District Judge:

Presently before the Court is a Report and Recommendation (“Report”) prepared by Magistrate Judge Robert M. Levy. (Dkt. No. 83). Judge Levy issued the Report on September 8, 2020, recommending, *inter alia*, that this Court deny Defendant Bernard Augustine’s motion to compel discovery.¹ Defendant did not file objections to this section of the Report. For the reasons stated herein, this Court affirms and adopts the Judge Levy’s recommendation to deny the motion to compel discovery.

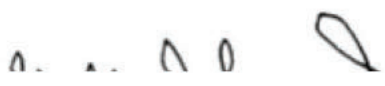

¹ The Court also referred defendant’s motions to dismiss the indictment and for a bill of particulars to Judge Levy. The Report and Recommendation considered the motions together, but the Court addresses them separately. In addition, the Court referred Defendant’s motion to suppress statements made while in the custody of the Tunisian government. Due to the ongoing COVID-19 pandemic, the suppression hearing has been continued and no findings have been made at this time.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. *See* 28 U.S.C. § 636(b)(1). Within fourteen days of service of the recommendation, any party may file written objections to the magistrate's report. *See id.* Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. *See id.* The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections may waive the right to appeal this Court's Order. *See* 28 U.S.C. § 636(b)(1); *Small v. Sec'y of Health and Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989).

In this case, Defendant filed no objections to the Report. Upon review of the recommendation, this Court adopts and affirms Magistrate Judge Levy's recommendation to deny Defendant's motion to compel.

SO ORDERED.

Dated: April 13, 2021
Brooklyn, NY


signed Sterling Johnson, Jr., U.S.D.J.

Sterling Johnson, Jr., U.S.D.J.